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March 10, 2023

BY ECF AND EMAILHonorable Colleen McMahon
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007**Re: United States v. Leroy Gibbs, 22-CR-534 (CM)
LETTER MOTION TO CORRECT JUDGMENT**

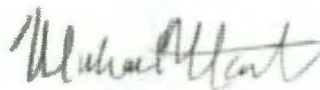
Your Honor:

We represent Mr. Leroy Gibbs and write to follow up on our February 22, 2023 letter requesting correction of the Judgment, pursuant to Federal Rules of Criminal Procedure 35 and 36. At the sentencing hearing, held on February 8, 2023, the Court imposed a fine and said, "the fine must be paid in full no later than 12 months following the defendant's **release from incarceration.**" Sentencing Tr. 20:10-11 (emphasis added). The Judgment, however, requires that "[t]he fine must be paid in full **within 12 months of the judgment.**" Judgment 7, ECF No. 26 (emphasis added). We attach the sentencing transcript and the Judgment to this letter.

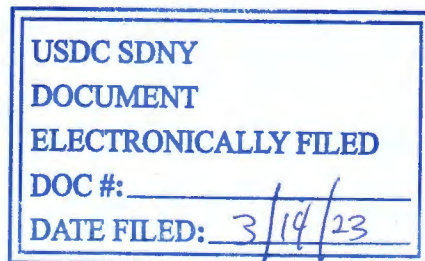
We ask the Court to correct the Judgment to reflect the sentence imposed at the hearing on February 8. In our letter of February 22, we sought relief under FRCrP 35 and noted that we had ordered the sentencing transcript. Because more than fourteen days elapsed between the filing of the Judgment and receipt of the transcript, we amend our request to also seek relief under FRCrP 36, which allows for correction of this kind of error "at any time." See *United States v. Werber*, 51 F.3d 342, 347 (2d Cir. 1995).

We have spoken with Assistant United States Attorney Catherine Ghosh, and the Government has no objection to our request. Thank you for your attention to this matter.

Sincerely,



Michael W. Martin
Lincoln Square Legal Services, Inc.
Attorney for Mr. Leroy Gibbs



Attachments

cc: AUSA Catherine Ghosh (BY ECF AND EMAIL)